



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 40

COMMON ADDRESS OF LOTS TO BE REZONED: 705 Putnam Street, Terre Haute, IN 47802

Current Zoning: R-2, Two-Family Resident District

Requested Zoning: C-1, Neighborhood Commerce District

Proposed Use: Office Space

Name of Owner: Achenbach Holdings LLC

Address of Owner: 1400 E. Pugh Drive, Terre Haute, IN 47802

Phone Number of Owner: 812-238-2641

Attorney Representing Owner (if any): N/A

Address of Attorney: N/A

Phone Number of Attorney: N/A

For Information Contact: Mark L. Achenbach

Council Sponsor: Todd Nation

***COPY OF SITE PLAN MUST ACCOMPANY THIS APPLICATION**

FILED

OCT 06 2015

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 40, 2015

CITY CLERK

An Ordinance Amending Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute Indiana."

SECTION 1. BE IT ORDANED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the "Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

"That the following described real estate situated in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lot Number 16 in Block Number 36 in the Commissioner's Subdivision of the Cruft Farm, being a subdivision of the South West quarter of Section 27, Township 12 North, Range 9 West.

Subject to any easements, agreements, streets, alleys, restrictions, covenants, building lines, and rights of way of public record including but not limited to:

- a) Conditions, restrictions, covenants and easements as set forth on the Plat of Commissioner's Subdivision of the Cruft Farm.
- b) Special Ordinance No. 57, 2001 dated January 15, 2002 and recorded January 17, 2002 as Instrument No. 200201493.

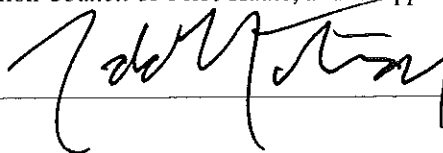
Parcel No. 84-06-27-355-001.000-002

Commonly known as: 705 Putnam Street, Terre Haute, Vigo County Indiana 47802

Be and the same is hereby established as a C-1 Neighborhood Commerce District, together with all rights and privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."

SECTION II, WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as required by law.

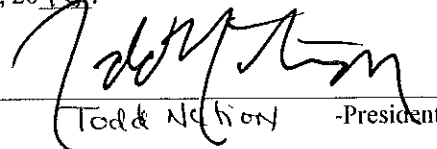
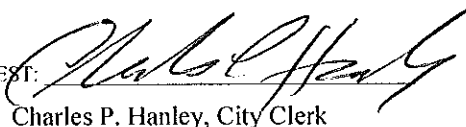
Presented by Council Member, Todd Nation



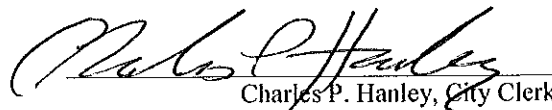
Passed in Open Council this 12th day of November, 2015.

ATTEST:

Charles P. Hanley, City Clerk


Todd Nation -President

Presented by me to the Mayor of the City of Terre Haute this 13th day of November 2015


Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 13TH day of NOVEMBER, 2015.

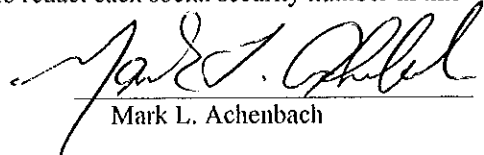

Duke Bennett, Mayor

ATTEST:


Charles P. Hanley, City Clerk

This instrument prepared by: Mark L. Achenbach, 1400 E. Pugh Drive, Terre Haute, IN 47802, 812-238-2641.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.


Mark L. Achenbach

PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

And THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, Achenbach Holdings LLC, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lot Number 16 in Block Number 36 in the Commissioner's Subdivision of the Cruft Farm, being a subdivision of the South West quarter of Section 27, Township 12 North, Range 9 West.

Subject to any easements, agreements, streets, alleys, restrictions, covenants, building lines, and rights of way of public record including but not limited to:

- a) Conditions, restrictions, covenants and easements as set forth on the Plat of Commissioner's Subdivision of the Cruft Farm.
- b) Special Ordinance No. 57, 2001 dated January 15, 2002 and recorded January 17, 2002 as Instrument No. 200201493.

Parcel No. 84-06-27-355-001.000-002

Commonly known as: 705 Putnam Street, Terre Haute, Indiana 47802.

Your petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as R-2, Two-Family Residence District.

Your petitioner would respectfully state that the real estate is now vacant, but was previously used as office space. Your petitioner intends to use the real estate for office space for Wabash Valley Pizza Hut, Inc.

Your petitioner would request that the real estate described herein shall be zoned as a C-1 Neighborhood Commerce District. Your petitioner would allege that the Neighborhood Commerce District would not alter the general characteristics of this neighborhood.

Your petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the C-1 Neighborhood Commerce District of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNES WHEREOF, This petition has been duly executed this 2nd day of October,
2015.

BY: Mark L. Achenbach - member
Achenbach Holdings, LLC

PETITIONER: Achenbach Holdings LLC, 1400 E. Pugh Drive, Terre Haute, IN 47802.

This instrument was prepared by Mark L. Achenbach, 1400 E. Pugh Drive, Terre Haute, IN 47802, 812-238-2641.

AFFIDAVIT OF:

COMES NOW affiant Achenbach Holdings, LLC and affirms under penalty of law that affiant is the owner of record of the property located at 705 Putnam Street, Terre Haute, IN 47802 for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

I affirm under penalty for perjury, that the foregoing representations are true.

Achenbach Holdings LLC

SIGNATURE: _____

SIGNATURE: _____

STATE OF INDIANA)
SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, _____

who acknowledges the execution of the above and foregoing, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 2 day of October, 200 2015.

Notary Public:

Colleen G. Presnell
[Typed name] COLLEEN G. PRESNELL

My Commission Expires:

SEPT. 20, 2020

My County Of Residence:

SULLIVAN

CORPORATE WARRANTY DEED

This indenture witnesseth that

AMERICAN CANCER SOCIETY GREAT LAKES DIVISION, INC.
a corporation organized and existing under the laws of the State of INDIANA

Convey(s) and Warrant(s) to

ACHENBACH HOLDINGS LLC
of VIGO County in the State of INDIANA

for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following Real Estate in VIGO County in the State of Indiana, to-wit:

Lot Number 16 in Block Number 36 in the Commissioner's Subdivision of the Cruft Farm, being a subdivision of the South West quarter of Section 27, Township 12 North, Range 9 West.

Subject to any easements, agreements, streets, alleys, restrictions, covenants, building lines, and rights of way of public record including but not limited to:

a) Conditions, restrictions, covenants and easements as set forth on the Plat of Commissioner's Subdivision of the Cruft Farm.

b) Special Ordinance No. 57, 2001 dated January 15, 2002 and recorded January 17, 2002 as Instrument No. 200201493.

Parcel No. 84-06-27-355-001.000-002

The undersigned person executing this deed on behalf of Grantor represents and certifies that he is a duly elected officer of Grantor and has been fully empowered, by proper Corporate Resolution of the Board of Directors of Grantor, to execute and deliver this deed; that Grantor has full Corporate capacity to convey the real estate described herein; and that all necessary Corporate action for the making of such conveyance has been taken and done.

Dated this 23RD day of SEPTEMBER, 2015.

AMERICAN CANCER SOCIETY GREAT LAKES DIVISION, INC.

By Brian Levy
BRIAN LEVY, VP Corporate Real Estate

By Catherine Mickle

Catherine Mickle, CFO
(Printed Name and Office)

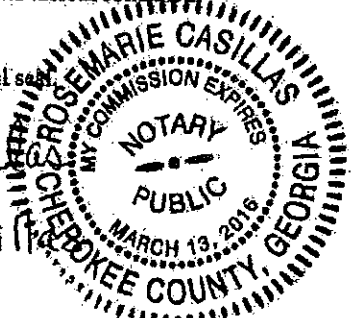
State of Georgia, County of Fulton) SS:

Before me, a Notary Public in and for said county and state, this 23rd day of SEPTEMBER, 2015, personally appeared BRIAN LEVY, the VP CORPORATE REAL ESTATE and Catherine Mickle, the CFO respectively, of AMERICAN CANCER SOCIETY GREAT LAKES DIVISION, INC., who acknowledged the execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires:
March 13, 2016
My County of Residence:
Cherokee

Rosemarie Casillas
Notary Public
Printed: Rosemarie Casillas



This instrument prepared by: Henry L. Antonini, Antonini & Antonini, 224 South Main Street, P. O. Box 325, Clinton, IN 47842 Telephone: (765) 832-3527

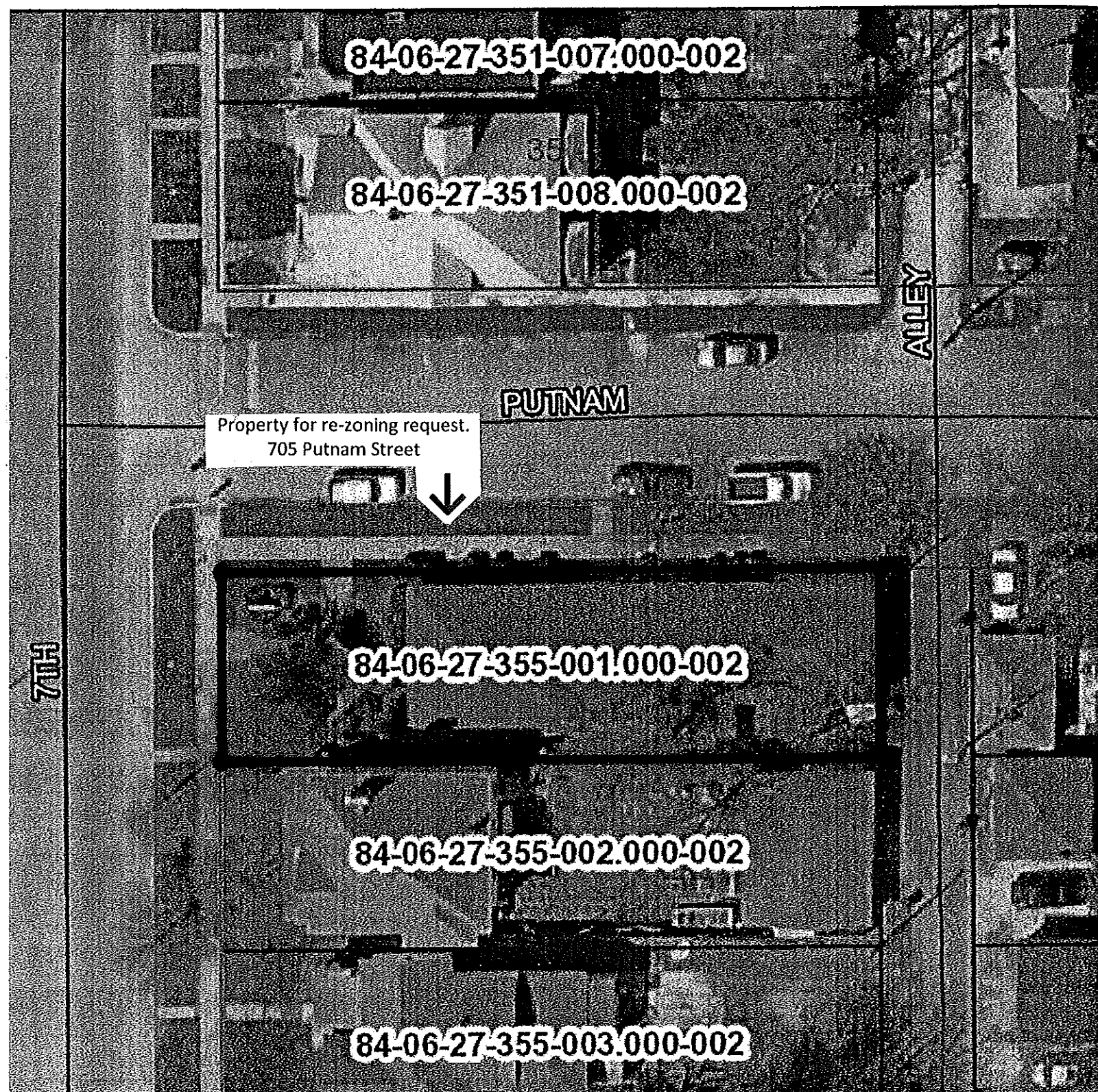
D-2775; HCT-2015-0574

I affirm under penalties for perjury that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Henry L. Antonini

Mail tax bills to Grantee at Grantee's address of:

Return Deed to: Honey Creek Vigo Title Svcs, Inc., 405 S. 6th Street, Terre Haute, IN 47807

eaconTM Vigo County, IN / City of Terre Haute



Receipt

The following was paid to the City of Terre Haute, Controller's Office.

Date: 10/6/15

Name: Achenbach Holdings, LLC

Reason: Resolving Filing \$25.00

Resolving Filing \$20.00

CONTROLLER

Cash: _____

Check: \$45.00 #2012

Credit: _____

Total: \$45.00

OCT 06 2015

PAID
TERRE HAUTE, IN

Received By: Allyce



TERRE HAUTE
A LEVEL ABOVE

Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

Telephone: (812) 462-3354

Fax: (812) 234-3248

Terre Haute • West Terre Haute • Riley • Seelyville

FILED

NOV 05 2015

CITY CLERK

DATE: November 5, 2015

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

**THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #40-15**

CERTIFICATION DATE: November 4, 2015

TO: The Honorable Common Council of the City of Terre Haute

Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No.40-15. This Ordinance is a rezoning of the property located at 705 Putnam. The Petitioner, Achenback Holdings, LLC., petitions the Plan Commission to rezone said real estate from zoning classification R-2 to C-1, Neighborhood Commerce District for office space. The Ordinance was published in the Tribune-Star Newspaper in accordance with IC 5-3-1 and Division XIII of the Comprehensive Zoning Ordinance. Further, this ordinance was posted by the City Building Inspection Department in accordance with IC 36-7-4-604(c).

The Area Plan Commission considered Special Ordinance No. 40-15 at a public meeting and hearing held Wednesday, November 4, 2015. Remonstrators were not present. At this meeting, a quorum was present throughout the meeting pursuant to IC 36-7-4-301, and the Area Plan Commission took official action on Special Ordinance No. 40-15 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 40-15 as required by IC 36-7-4-401(a)(7) and IC 36-7-4-605(c).

Therefore, Area Plan Commission's certified recommendation on Special Ordinance No. 40-15 was FAVORABLE WITH THE CONDITION that the Petitioner receive approval from the Board of Zoning Appeals for the parking variance.

Fred L. Wilson, President

Darren Maher, Executive Director

Received this 5th day of November, 2015

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 40-15
Date: November 4, 2015

Doc: # 70
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APPLICATION INFORMATION

Petitioner: Achenbach Holdings, LLC

Property Owner: Same-As-Above

Representative: Mark Achenbach

Proposed Use: Office Space

Proposed Zoning: C-1, Neighborhood Commerce District

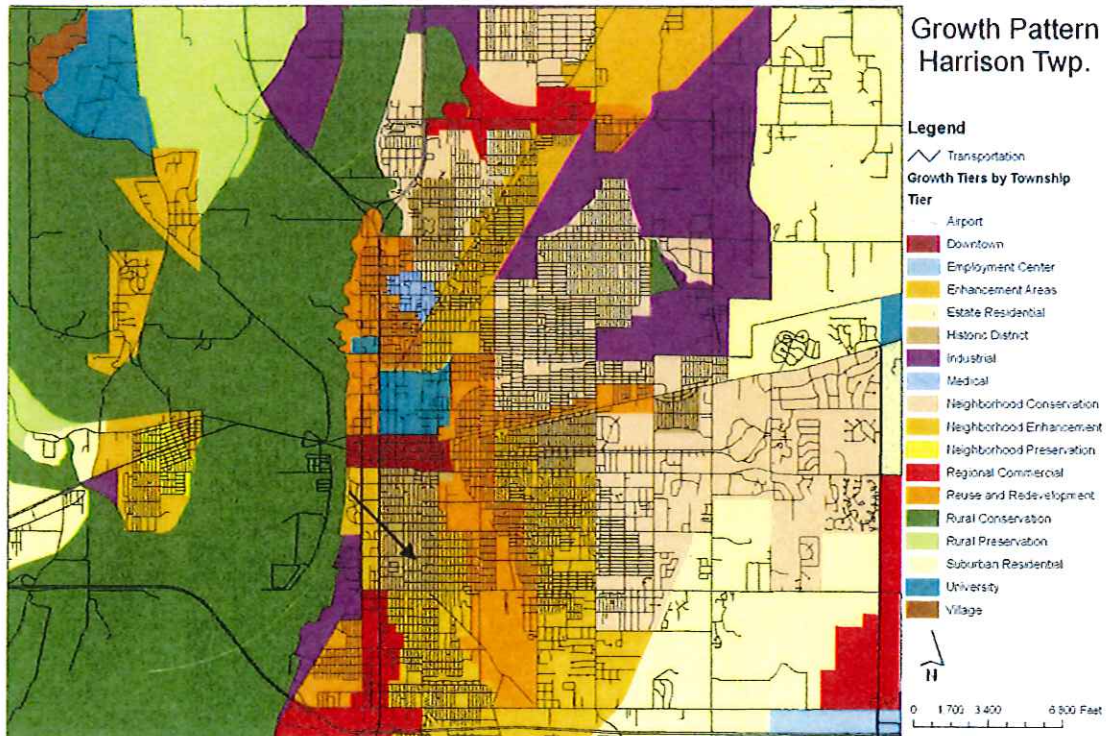
Current Zoning: R-2, Two Family Residential District

Location: The property is located on the corner of 7th Street and Putnam Street.

Common Address: 705 Putnam St, Terre Haute IN, 47802

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



Neighborhood Enhancement Areas

Areas that qualify as Neighborhood Enhancement, represent residential areas with aging housing stock, older industrial areas that are in need of reinvestment, and neighborhood commercial nodes that need assistance in meeting modern development standards. These areas are primarily located within the Terre Haute, West Terre Haute, Seelyville, and Riley.

In regards to residential neighborhoods that are in need of rehabilitation, they should receive priority efforts with respect to public improvements such as drainage, sidewalks, street, curb and gutter repair and replacement, and landscaping in the public rights-of-way. Where appropriate, new residential infill projects should be considered a high priority for undeveloped parcels. Over time incompatible and inconsistent uses with the residential context of these neighborhoods should be eliminated.

Over time, it is reasonable to expect some displacement of existing industrial facilities, either because of functional and competitive obsolescence of facilities themselves or because corporate restructuring. As facilities are displaced, facility reuse plans or site redevelopment plans should be prepared. In some cases, industrial

Reuse or redevelopment may not be appropriate, for example in older core of the City of Terre Haute.

Neighborhood commercial areas are small scale, retail activity clusters or planned centers that serve limited market areas – typically 4,000 to 10,000 people. They provide shopping opportunities for those most frequently purchased goods and services. Neighborhood commercial areas should be distributed throughout the community in relationship to the distribution of households. Each neighborhood commercial center should be a master planned commercial development that is contained within a defined tract or land area. Auto ingress and egress must be controlled. Most importantly, these areas should relate to surrounding residential neighborhoods but not adversely impact the livability of those neighborhoods through traffic, lighting, noise, litter, or other impacts. They will require strong buffering and landscape regulations, as well as being architecturally harmonized and able to blend with their neighborhood context.

Additional policies for Neighborhood Enhancement Areas should include:

- Encourage infill development that is compatible with the land use mix and intensity of existing development.
- Support preservation and rehabilitation of historic properties.
- Incompatible and inconsistent uses with the residential context of these neighborhoods should be eliminated.
- Identify areas that need sub-area plans and prioritize the development of those plans by area.
- Allow for a range of housing densities based on the zoning ordinance.
- Encourage neighborhoods to develop a unique sense of place, but still be part of the larger city.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 40-15

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Available Services: Area is well served by utilities.

Soil Limitations: Not studied.

Street Access: Alley access between 7th Street and 8th Street.

Dev. Priority: This area has a high priority for capital investment

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-2, Two-Family Residential District
East – R-2, Two-Family Residential District
South – R-2, Two-family Residence District
West – R-2, Two-family Residence District

Character of Area: The petitioned property sits in the middle of an already established R-2, Two-family Residence District.

ZONING REGULATIONS

C-1 Purpose: The neighborhood commerce district is designed solely for use of persons residing in abutting residential neighborhoods to permit convenience shopping, and therefore such uses as are necessary to those limited basic shopping needs which occur daily or frequently so as to require shopping facilities in close proximity to places of residence are permitted.

C-1 Uses: Uses permitted in C-1, Community Commerce District are; Barber shops and Beauty shops; Branch banks and Business and professional offices, Clothes pressing establishments; Colleges and universities, but not business colleges or trade schools, Drug stores, Dry cleaning and laundry receiving stations where processing is to be done elsewhere, Grocery stores, meat markets, bakeries, delicatessens, food stores, Hardware stores, Hobby, art, and school

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 40-15

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Date: November 4, 2015

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supply stores, Ice storage for retail, Launderettes, automatic, self-service only, employing not more than two (2) persons in addition to one (1) owner or manager, provided that laundry machines shall not exceed sixteen (16) pounds capacity each, Nursery schools, non-boarding, in a single-story building.

C-1 Standards: Minimum Lot Size: 3,300 Sq. Ft.

FAR 0.7 %

Street Setback: 55 feet from centerline;

Rear setback 11';

Interior setback of 5' from the interior lot line;

Office Space, Three (3) spaces per one thousand (1000) square feet of gross floor area.

Petitioner has submitted an affidavit of Assignable Area

FINDINGS and RECOMMENDATION

Staff Findings: The petitioned site was and is a two-family dwelling. The petitioners would allege that the Neighborhood Commerce District would not alter the general characteristics of this neighborhood. The petitioners will respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood. Bringing a small business into the area could bring some life back into an aged neighborhood. The proposed use is in harmony with the comprehensive plan. Petitioner has applied for a variance for parking and is to be heard on the morning of November 4th, 2015 at the BZA meeting.

Recommendation: The staff gives a Favorable Recommendation with the following condition(s):

- Petitioner receives an approval from the BZA meeting for the parking variance.